

UNITED STATES U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**IN RE: KEURIG GREEN MOUNTAIN SINGLE  
SERVE COFFEE ANTITRUST LITIGATION**

X

: ECF Case  
: 1:14-md-2542-VSB-HBP  
: MDL No. 2542

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**JBR, Inc. (D/B/A ROGERS FAMILY COMPANY),**  
Plaintiff,

X

: 1:14-cv-04242-VSB-HBP

v.  
**KEURIG GREEN MOUNTAIN, INC. (F/K/A  
GREEN MOUNTAIN COFFEE ROASTERS, INC.  
AND AS SUCCESSOR TO KEURIG, INC.),**

Defendant.

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X

**SUPPLEMENTAL DECLARATION OF SANDEEP  
CHATTERJEE, PH.D., IN SUPPORT OF PLAINTIFF JBR INC.'S  
MOTION FOR PRELIMINARY INJUNCTION**

1. I, Sandeep Chatterjee, Ph.D., have been asked by Plaintiff JBR, Inc. ("JBR"), by and through its counsel, Morgan, Lewis & Bockius, to review Keurig's Memorandum Brief in Opposition to JBR's Motion for Preliminary Injunction and other documents, and to provide my expert opinions concerning certain statements made by Keurig.

2. Specifically, on August 11, 2014, I submitted a declaration in support in support of JBR's motion for preliminary injunction. Thereafter, on August 22, 2014, I understand that the depositions of David Manly and Kevin Sullivan took place. During Mr. Sullivan's deposition, he made certain statements in response to my August 11 declaration. Based on these statements, I disassembled and examined a K2.0 brewer, [REDACTED]  
[REDACTED]

3. In this supplemental declaration, I respond to Mr. Sullivan's statements and also provide my expert opinions concerning the amount of time and effort necessary to enable these brewers to support unlicensed coffee packs.

## **I. QUALIFICATIONS**

4. My qualifications were addressed in the Declaration of Sandeep Chatterjee in Support of Plaintiff's Motion for a Preliminary Injunction ("Original Declaration"). I incorporate those disclosures by reference into this report.

## **II. MATERIALS CONSIDERED**

5. The materials I reviewed in preparing this declaration include all materials listed in the Original Declaration. Additionally, I have reviewed:

- a. Vol. 2 of the Deposition of Mr. Sullivan, dated 8/22/2014
- b. Vol. 2 of the Deposition of Mr. Manly, dated 8/22/2014
- c. Keurig's Memo in Opp to JBR's Motion for a Prelim Injunction
- d. A K2.0 Brewer
- e. KGM00006226 - KGM00006517

**III. UPDATING THE SOFTWARE ON THE KEURIG K2.0 BREWERS**

6. In paragraph 4 of the Original Declaration, dated August 11, 2014, I set forth a number of my expert opinions, including the following:

a. [REDACTED]

b. [REDACTED]

c. [REDACTED]

d. [REDACTED]

7. I understand that on August 22, 2014, Kevin Sullivan, the Chief Technology Officer of Keurig, was deposed for a second time. During his deposition, Mr. Sullivan [REDACTED]



[REDACTED]

Second Sullivan Depo. at 450:11-451:25.

8. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12. Although my suggestion, as set forth in my Original Declaration, [REDACTED]

[REDACTED]

[REDACTED]

Second Sullivan Depo. at 452:9-14.

13.

14.

Sullivan Depo. at 452:4-9; 453:7-11.

15. Based on statements

16.

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

18. [REDACTED]

[REDACTED]

[REDACTED]

Sullivan Depo. at 453:15-20.

19. [REDACTED]

[REDACTED]

[REDACTED]

20. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sullivan Depo. at 406:19-407:3.

22. [REDACTED]

[REDACTED]

[REDACTED]

Sullivan Depo. at 450:21-451:3.

23. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

24. In fact, in paragraph 4 of my Original Declaration, I stated [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

25. At the same time, [REDACTED]

[REDACTED]

[REDACTED]

26. Moreover, throughout my professional experience in architecting, developing, deploying and maintaining hardware and software systems around the world, I have found that experienced software and hardware engineers usually design into the system architecture the ability to update or upgrade the system. [REDACTED]

27. Therefore, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 2, 2014.



Sandeep Chatterjee, Ph.D.